

Applicants: Donald R. Huffman, et al.

Serial No. 08/471,890

Docket: 7913ZY

Filing Date: June 7, 1995

Examiner: S. Hendrickson

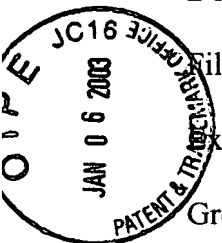
Group Art Unit: 1754

Title: SUPPLEMENTAL DECLARATION OF DONALD R. HUFFMAN UNDER 37
C.F.R. §1.131 Dated June 23, 2000

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TC 1700



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Donald R. Huffman, et al. Examiner: P. DiMauro

Serial No.: 08/236,933

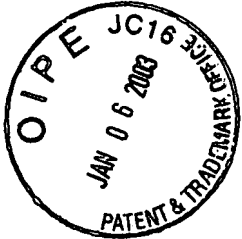
Art Unit: 1754

Filed: May 2, 1994

Docket: 7913ZAZY

For: NEW FORM OF CARBON

Dated:

Assistant Commissioner for Patents
Washington, DC 20231SUPPLEMENTAL DECLARATION OF DONALD R. HUFFMAN
UNDER 37 C.F.R. §1.131

Sir:

I, Donald R. Huffman, declare and say as follows:

1. This Declaration supplements, but does not replace, the Supplemental Declaration of Donald R. Huffman Under 37 C.F.R. §1.131 executed on May 10, 2000 (hereinafter referred to as "previous Huffman Declaration"), that was filed in the above-identified application.

2. All of the statements and exhibits therein are incorporated by reference herein.

3. However, I have been advised that the July 6th date printed on the article by Kratschmer, et al. in Chemical Physics Letter, 1990, 167-170 (hereinafter "Kratschmer et al."), was not the publication date thereof, but the cover date; that the publication date thereof is unknown; and in all probability, the issue containing this article was dispatched sometime in the period July 1-6, 1990.

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4. The invention described and claimed in the above-entitled application was completed in the United States prior to July 1, 1990.

5. Moreover, all of the acts described in my previous Huffman Declaration of the above-identified application relating to the completion of the invention in the United States were performed prior to July 1, 1990.

6. Furthermore, the laboratory records which were annexed thereto as Exhibits B-I in the previous Huffman Declaration were all dated prior to July 1, 1990.

7. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated:

June 23, 2000

Donald R. Huffman
DONALD R. HUFFMAN

JD

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Attn: Mr Jose Diaz
Scully, Scott, Murphy & Presser
400 Garden City Plaza
Garden City, NY 11530
U.S.A.

15 May 2000

Dear Mr Diaz,

Chemical Physics Letters, Volume 170 (2/3), 6 July 1990
The infrared and ultraviolet absorption spectra of laboratory-produced carbon dust: evidence for the presence of the C₆₀ molecule, by W. Kratschmer, K. Fostiropoulos and D.R. Huffman URL: <http://www.elsevier.nl>

I am responding to your fax of 12 May 2000 concerning the original release/ mailing date of the above article.

The first public release of this paper would have been with the dispatch of the journal issue in which the paper appeared. In 1990 subscribers were invoiced for volumes 165-174 of the journal. The issues of Volume 170 were thus scheduled to be dispatched in the middle of 1990. At the top right of the paper I see the date 6 July 1990, and this is very likely the cover date of volume 170, number 2/3. You will see it is entirely consistent with the planned schedule. *Chemical Physics Letters* is a weekly journal and issues are normally dispatched a few days prior to the cover date. My best guess is that the issue with this paper was dispatched to our subscribers around the world sometime in the period 1-6 July 1990.

I have asked our fulfilment department if they still have a record of the actual dispatch date of the issue. Since it is relatively so long ago, I very much doubt it, but I shall send you the relevant date if they are able to find it.

With kind regards.

Yours sincerely,
ELSEVIER SCIENCE

Andreas B. Dempster
Dr A.B. Dempster



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To: Andrew Dempster
Product Manager @ Elsevier Science Publishers B.V.
Date: May 18, 2000

Fax #: 9 011 31 20 485 2845
Page(s): 1, includes cover sheet

From: Jose Diaz
Our Client/Matter #: 30/2267

Dear Dr. Dempster:

Thank you for your response dated May 15, 2000.

Have you heard from the subscription fulfillment department yet on the actual dispatch date of the issue? I understand that the issue was first dispatched a long time ago, but any information you provide will be greatly appreciated.

19.V.00

Thank you for your assistance.

Dear Mr Diaz:

I am afraid our subscription department has informed me that they do NOT have a record of the actual dispatch date. Andrew Dempster.

If there are any problems concerning this facsimile, please call (516) 742-4343, Ext. 573 and ask for Jose Diaz

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